IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

THURSDAY, THE 5TH JULY 2007 / 14TH ASHADHA 1929

WP(C).No. 16005 of 2004(E)

PETITIONER:

B.BINU, S/O.LATE EX.GS-155037PNR N.BABU,
KORASSERIL KANDATHIL HOUSE, MUTHUKULAM SOUTH P.O.
ALAPPUZHA.

BY ADV. SRI.R.RAJASEKHARAN PILLAI,
SRI.GEORGE T. THACHETT.

RESPONDENTS:
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1. **THE UNION OF INDIA, REP. BY ITS**
   SECRETARY, MINISTRY OF ROADS AND HIGHWAYS,
   BRDB, B WING 4TH FLOOR, KASHMIR HOUSE, DHQ P.O.
   NEW DELHI- 110 011.

2. **THE DIRECTOR GENERAL, BOARD ROADS,**
   SEEMA SADAK BHAWAN, RING ROAD, DELHI CANTT,
   NEW DELHI -110 010.

3. **THE COMMDANDANT G.R.E.F CENTRE,**
   DIGHI CAMP, PUNE - 15.

4. **THE OFFICER COMMDANDING, HQ,**
   BRTF, C/O.99 APO.

BY ADV. SRI.V.V.SURESH, ADDL.CGSC,
SRI.M.L.SURESH KUMAR, CGC.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 05/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.16005/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE LETTER NO. 155037/NB/67/E5 DTD. 26/11/93 FROM THE R.3. TO THE PETITIONER'S MOTHER.

EXT.P.2: COPY OF THE RELEVANT PAGE OF THE FILLED PROFORMA DTD. NIL.

EXT.P.3: COPY OF THE COMMUNICATION FROM THE R.3. DTD. 28TH MAY 2002 TO THE PETITIONER'S MOTHER.

EXT.P.4: COPY OF THE COMMUNICATION FROM THE R.3. DTD. 31ST AUGUST 2002 TO THE PETITIONER'S MOTHER.

EXT.P.5: COPY OF THE LETTER DTD. 8TH JULY 2002 NO. 12701/EMP/POL/DGBR/64/EG2 FROM THE R.2. TO THE R.3.

EXT.P.6: COPY OF THE REPRESENTATION DTD. 04/04/2003 SUBMITTED BY THE PETITIONER'S MOTHER BEFORE THE R.3.

RESPONDENT'S EXHIBITS:

EXT.R1.A: COPY OF THE LETTER NO. 1456/155037/160/EIR DTD. 31/05/1993.

EXT.R1.B: COPY OF THE SANCTION LETTER NO. 1456/C/01/EIR DTD. 15/10/2001.

EXT.R1.C: COPY OF THE HQ DGBR LETTER NO. 12701/EMP POL/DGBR/64/EG2 DTD. 08/07/2002.

EXT.R1.D: COPY OF THE LETTER NO. 12701/DEP/DGBR/142/EG2 DTD. 10/07/2002.

EXT.R1.E: COPY OF THE GREF CENTRE LETTER NO. 1456/07/03/EIR DTD. 31/08/2002 TO THE PETITIONER.

EXT.R1.F: COPY OF THE DOP & T LETTER NO. 14014/6/94-ESTT (D) DTD. 09/10/1998.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 16005 OF 2004

Dated this the 5th day of July, 2007.

J U D G M E N T

This writ petition is filed mainly with the following prayer:

> I. Issue a writ of mandamus or other appropriate writ order or direction commanding the respondents to consider the claim of the petitioner for compassionate appointment of the petitioner under them as expeditiously as possible by providing employment for the petitioner anywhere in the territory of India in any Group 'D' post.

2. It is seen that this Court has made it clear in several judgments that the application for compassionate appointment should be considered in accordance with the policy, prevailing at the time of the occurrence of the cause of action or atleast at the time of filing the application. One such judgment is dated 06.12.2006 in W.P.(C) No. 34668/2003. This writ petition is disposed of as follows.

There will be a direction to the competent authority to consider Exhibit P6 representation for compassionate appointment in accordance with law, ignoring the objection that

the same cannot be considered in view of the change in the policy. Needful shall be done within a period of three months from the date of production of a copy of this judgment.

KURIAN JOSEPH, JUDGE.

smp